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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,998	03/01/2002	Ernest C. Schroeder	49810-00601	1105
25243	7590	08/25/2004	EXAMINER	
COLLIER SHANNON SCOTT, PLLC 3050 K STREET, NW SUITE 400 WASHINGTON, DC 20007			EASHOO, MARK	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/084,998	SCHROEDER, ERNEST C.
	Examiner	Art Unit
	Mark Eashoo, Ph.D.	1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 21-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election of claims 21-27, claim group II, in the reply filed on 03-JUN-2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claim grouping, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 03-JUN-2004.

### *Information Disclosure Statement*

The information disclosure statement filed 02-JUL-2002 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Accordingly, it has been placed in the application file and the information referred to therein has been considered as to the merits.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 recites the limitation "the laminated part". There is insufficient antecedent basis for this limitation in the claim. For the purpose of further examination, "the laminated part" is considered as being the fiber reinforce part formed by claim 21.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Khoshevis (US Pat. 5,656,230).

Regarding claims 21 and 25: Khoshevis teaches the claimed process of making a fiber reinforced plastic part, comprising: programming and control/movement of an extrusion head via conventional CNC machines (4:33-47); feeding a fiber reinforcement to the extrusion head (8:43-67 and 5:21-36); impregnating/mixing fibers with a radiation-initiatable resin or photopolymer (8:43-50 and 8:24-30); extruding a fiber/resin mixture (Fig. I); and exposing the extrudate to curing radiation (Fig. I, element 44 and 5:8-13).

It is inherent that a CNC machine requires the input of a readable definition of the desired part.

Furthermore, regarding claim 25, it is noted that the cure rate of must be sufficiently coordinated with the travel of the extrusion head since incremental layers are built upon each other. If the cure rate was not sufficient, then the structure would not have the structural integrity to maintain the weight of newly added layers.

Regarding claim 22: Khoshevis further teaches extruding a fiber/resin mixture at a speed consistent to the speed of travel of the extrusion head (Fig. I). It is noted that if this condition was not taught by Khoshevis then gaps or overflow marks would occur in the formed product.

Regarding claim 23: Khoshevis further teaches moving the extrusion head along a predetermined path that defines the surface of the part (Fig. I and 3:48-62).

Regarding claim 24: Although not specifically taught, Khoshevis teaches the extrudate is formed on a base/support structure (bottom of Fig. I). Since the extruded part contacts the base/support it inherent that there are at least one or more points of attachment to the base/support structure.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoshevis (US Pat. 5,656,230).

Khoshevis teaches the claimed process of making a fiber reinforced plastic part, comprising: programming and control/movement of an extrusion head via conventional CNC machines (4:33-47); feeding a fiber reinforcement to the extrusion head (8:43-67 and 5:21-36); impregnating/mixing fibers with a radiation-intiatable resin or photopolymer (8:43-50 and 8:24-30); extruding a fiber/resin mixture (Fig. I); exposing the extrudate to curing radiation (Fig. I, element 44 and 5:8-13); and rotating the extrusion head which is mounted to an arm of the machine (Fig. I, arrows near elements 30 and 51).

It is inherent that a CNC machine requires the input of a readable definition of the desired part.

Regarding claim 26: Khoshevis does not teach a take-away belt. Nonetheless, intermittent conveyors and or belt structures are well known in the molding as a means of removing molded parts from a forming area. At the time of invention a person having ordinary skill in the art would have found it obvious to have used an intermittent conveyor and or belt structure, as commonly practiced in the molding art, in the process of Khoshevis, in order to speed product removal from the forming area by an automatic means (ie. increasing overall production line speed).

Regarding claim 27: Khoshevis does not teach spraying the laminated with a surfacing material and then abrading/grinding the surface back to a desired dimension. Nonetheless, spraying a surfacing material on an article and then grinding or sanding off a portion of the applied finishing material is commonly practiced in the finishing art. At the time of invention a person having ordinary skill in the art would have found it obvious to spraying a surfacing material on an article and then grinding or sanding off a portion of the applied finishing material, as commonly practiced in the finishing art, in the process of Khoshevis, in order to form a product with a finish having a high degree of smoothness. (For example, the sanding between coats of paint or varnish applied to furniture.)

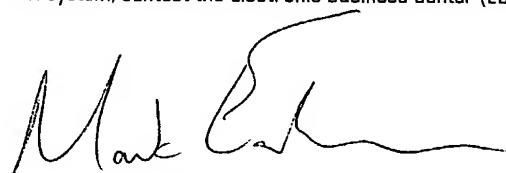
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892.

*Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

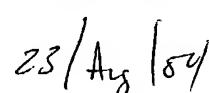
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Eashoo, Ph.D.

Primary Examiner

Art Unit 1732



Aug-04  
me